

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
NEWARK VICINAGE

Nicholas Caputo, Esq. (NC-8500)  
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Attorney for Plaintiff  
Rocheux International of New Jersey, Inc.

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ROCHEUX INTERNATIONAL OF NEW  
JERSEY, INC.,

Plaintiff,

-against-

U.S. MERCHANTS FINANCIAL GROUP, INC., U.S.  
MERCHANTS, INC., a division of U.S. MERCHANTS  
FINANCIAL GROUP, INC. d/b/a U.S. MERCHANTS  
and/or THE MERCHANT OF TENNIS, THE  
MERCHANT OF TENNIS INC., and DIVERSIFIED  
REPACKAGING CORPORATION.,

Defendants.  
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Hon. Garrett E. Brown, Jr., U.S.D.J.

Civil Action No.: 06-6147 (GEB)

**DECLARATION OF  
NICHOLAS CAPUTO IN  
SUPPORT OF PLAINTIFF'S  
MOTION FOR  
RECONSIDERATION**

Nicholas Caputo declares as follows:

1. I am an attorney at law of the State of New Jersey and a member of Robinson Brog Leinwand Greene Genovese & Gluck P.C., attorney for Plaintiff Rocheux International of New Jersey, Inc. ("Rocheux") in the above-captioned action. In such capacity, I am fully familiar with the facts and status of this litigation and make this Declaration in support of Rocheux's motion for reconsideration of this Court's September 29, 2010 Order (the "Order") and Memorandum Opinion (the "Opinion"), limited to the issue that Rocheux should have been

awarded interest at 1.5% per month on the outstanding balance and attorney's fees under the contractt as a matter of law.

2. Attached hereto as Exhibit A is a true and correct copy of an excerpt of the deposition transcript of Jeffrie Green dated March 11, 2008, page 254, lines 9 through 17.

3. In document discovery in this case, Defendants never produced any of Rocheux's Order Acknowledgments. Rocheux attached the Order Acknowledgments to the Declaration of Donna McRavin dated February 11, 2010 in support of Rocheux's Motion for Summary Judgment as Exhibits F, I, L, O, R, Z, II, LL, PP, SS, VV, YY, BBB, EEE, HHH, KKK, OOO, RRR, VVV, ZZZ, EEEE, and IIII. These documents can be found in Docket Numbers 88-37, 88-38, 88-39, and 88-40 of this Court's electronic docket. Notably, none of these Order Acknowledgments (as reflected by the lack of Defendants' Bate Stamp identification) were produced by Defendants in discovery.

I declare under penalty of perjury that the foregoing is true and correct. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Dated: October 12, 2010

ROBINSON BROG LEINWAND GREENE  
GENOVESE & GLUCK P.C.  
Attorney for Plaintiff, Rocheux International of  
New Jersey, Inc.

By: 

Nicholas Caputo